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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

TYRONE EVANS,

Defendant and Appellant.

B270134

(Los Angeles County
Super. Ct. No. TA136558)

APPEAL from a judgment of the Superior Court of Los Angeles County, Pat Connolly, Judge. Affirmed.

Russell S. Babcock, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

On February 2, 2016, appellant approached criminal defense attorney Richard Chacon, displayed what appeared to be a black handgun, and stole Chacon's vehicle. A video camera captured the carjacking incident.

Appellant was charged by information with carjacking (Pen. Code, § 215, subd. (a)).¹ The information alleged a 10-year enhancement for the use of a handgun (§ 12022.53, subd. (b)). It further alleged that appellant had suffered two "strikes" within the meaning of the Three Strikes law (§§ 667, subds. (b)-(j), 1170.12), and had served two prior prison terms (§ 667.5).

At the preliminary hearing, Chacon identified appellant as the carjacker. On November 12, 2015, pursuant to a plea agreement, appellant waived his constitutional rights, pled guilty to carjacking, and admitted the gun enhancement. On December 21, 2015, appellant filed a motion to withdraw his plea, arguing he was in a "state of mental confusion" when he entered the plea. The trial court summarily denied the motion. It sentenced appellant to 19 years in state prison, in accordance with the plea agreement.

On February 3, 2016, appellant noticed an appeal. He indicated that he was appealing from (1) the sentence or other postplea matters, and (2) the order denying his motion to withdraw his plea. With respect to the latter, appellant filed a request for a certificate of probable cause, which was denied. After examining the record, appointed appellate

¹ All further statutory citations are to the Penal Code, unless otherwise stated.

counsel filed a brief raising no issues, but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On August 3, 2016, we advised appellant he had 30 days to file a brief or letter raising any issue he wished this court to consider. No response was received.

Section 1237.5 provides, in relevant, part, “No appeal shall be taken by the defendant from a judgment of conviction upon a plea of guilty or nolo contendere . . . except where both of the following are met: [¶] (a) The defendant has filed with the trial court a written statement, executed under oath or penalty of perjury showing reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings. [¶] (b) The trial court has executed and filed a certificate of probable cause for such appeal with the clerk of the court.” “A defendant must obtain a certificate of probable cause in order to appeal from the denial of a motion to withdraw a guilty plea, even though such a motion involves a proceeding that occurs after the guilty plea.” (*People v. Johnson* (2009) 47 Cal.4th 668, 679, italics omitted; see also *People v. Mendez* (1999) 19 Cal.4th 1084, 1100 [challenge based on mental incompetence to enter a plea requires a certificate of probable cause].) Thus, any challenge to the trial court’s order denying appellant’s motion to withdraw the plea is not cognizable on appeal.

As to the noncertificate issues raised in appellant’s notice of appeal, this court has examined the entire record in

accordance with *People v. Wende, supra*, 25 Cal.3d at pages 441-442, and is satisfied appellant's attorney has fully complied with the responsibilities of counsel, and no arguable issues exist. Accordingly, we affirm the judgment of conviction.

DISPOSITION

The judgment is affirmed.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

COLLINS, J.